

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Shaun Rosiere,

Plaintiff,

vs.

Frank Silva, Postal Employee; Ann Smith,
Postal Employee; Brandon D. Lewis, Postal
Employee; James S. Russell, D.O.J.
Employee; Craig B. Shaffer, Judicial
Employee; Jay Hoffman, D.O.J. Employee;
Peter N. Katz, D.O.J. Employee; Robert
Palka, Postal Employee; Kristen L. Mix,
Judicial Employee; Frank E. Jones, Postal
Employee; Robert Meyers, Postal
Employee; Ralph J. Marra, D.O.J.
Employee; Peggy A. Leen, Judicial
Employee; Garrett E. Brown, Jr., Judicial
Employee; and United States of America,

Defendants.

Case No.: 10-cv-01269-GMN-LRL

ORDER

(Plaintiff, Shaun Rosiere's Motion for
Voluntary Dismissal--ECF #28;
Defendant United States of America's
Motion to Dismiss--ECF #22; and
Defendant, Robert Palka's Motion to
Dismiss for Lack of Jurisdiction--ECF #15)

Before the Court is Plaintiff's Motion for Voluntary Dismissal (ECF #28), Defendant United States of America's Motion to Dismiss (ECF #22) and Defendant, Robert Palka's Motion to Dismiss for Lack of Jurisdiction (ECF #15). Patrick A. Rose, Assistant United States Attorney, counsel for Defendant, United States of America, filed a Non-Opposition to Plaintiff's Motion for Voluntary Dismissal (#30) on October 14, 2010, and Stephen G. Keim, Esq., counsel for Defendant, Robert Palka, filed a Non-Opposition to Plaintiff's Motion for Voluntary Dismissal (#31) on October 20, 2010. An action may be dismissed at the plaintiff's request under Rule 41(a) of the Federal Rules of Civil Procedure. Unless otherwise noted, the dismissal is without prejudice. *Id.* Defendants have not served an

1 answer or motion for summary judgment. The Plaintiff has requested that the dismissal be
2 without prejudice.

3 There being no opposition to the voluntary dismissal of this action, and with good
4 cause appearing,


5 **IT IS THEREFORE ORDERED** that Plaintiff's Motion for Voluntary Dismissal
6 (ECF #28) is **GRANTED**. Plaintiff's request to dismiss this action without prejudice is
7 granted.

8 **IT IS FURTHER ORDERED** that Defendant United States of America's Motion to
9 Dismiss (ECF #22) is **DENIED** as moot.

10 **IT IS FURTHER ORDERED** that Defendant, Robert Palka's Motion to Dismiss for
11 Lack of Jurisdiction (ECF #15) is **DENIED** as moot.

12 **IT IS FURTHER ORDERED** that this action is **DISMISSED without prejudice**.
13 The Clerk of the Court shall enter judgment accordingly.

14 DATED this 26th day of October, 2010.

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18 Gloria M. Navarro
19 United States District Judge
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